

Update: Child Protective Proceedings Benchbook (Revised Edition)

CHAPTER 2

Reporting & Investigating Suspected Child Abuse & Neglect

2.23 Liability and Immunity

C. Immunity Under MCL 691.1407

On page 65, add the following text immediately before subsection (D):

In *Beauford v Shakoore*, ___ Mich App ___, ___ (2005), the Court extended absolute immunity to a CPS worker who conducted an investigation of alleged child abuse and recommended termination of the plaintiff's parental rights. The Court rejected the plaintiff's argument that *Martin v Children's Aid Society*, 215 Mich App 88 (1996), did not apply because the investigation was not ordered or monitored by the court that conducted the child protective proceeding. In *Beauford*, the Court of Appeals concluded that CPS workers, like the social workers in *Martin*, acted as "advisors and agents" to the family court, and that the family court's review of CPS investigations and recommendations provided parents with a sufficient remedy.

CHAPTER 4

Jurisdiction, Venue, & Transfer

4.15 Procedures for Handling Interstate Cases

On page 108, after the **Note** in the middle of the page, insert the following:

Filing a child support complaint under the Uniform Interstate Family Support Act (UIFSA), MCL 552.1101 et seq., does not constitute initiation of a “child custody proceeding” under the UCCJEA. *Fisher v Belcher*, ___ Mich App ___, ___ (2005). In *Fisher*, the Court noted that the definition of “child custody proceeding” in MCL 722.1102(d) does not include support actions, and that the definition of “child custody determination” in MCL 722.1102(c) specifically precludes “order[s] relating to child support” Thus, because the support action filed in Michigan was not a “child custody proceeding,” and because a paternity action and request for custody was filed in Missouri, the Michigan court properly dismissed the petition for jurisdiction under the UCCJEA pursuant to MCL 722.1206(2). *Fisher, supra*, at ___.

CHAPTER 10

Pleas of Admission or No Contest

10.6 Withdrawal of Pleas

Effective January 1, 2006, MCR 6.311 was eliminated. At the top of page 245, at the end of the first sentence, delete the reference to MCR 6.311.